

110TH CONGRESS
1ST SESSION

S. 385

To improve the interoperability of emergency communications equipment.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2007

Mr. INOUE (for himself, Mr. STEVENS, Mr. KERRY, Mr. SMITH, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the interoperability of emergency communications equipment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Interoperable Emer-
5 gency Communications Act”.

6 **SEC. 2. INTEROPERABLE EMERGENCY COMMUNICATIONS.**

7 (a) IN GENERAL.—Section 3006 of Public Law 109–
8 171 (47 U.S.C. 309 note) is amended—

9 (1) by striking paragraphs (1) and (2) of sub-
10 section (a) and inserting the following:

1 “(1) may take such administrative action as is
2 necessary to establish and implement a grant pro-
3 gram to assist public safety agencies—

4 “(A) in conducting statewide or regional
5 planning and coordination to improve the inter-
6 operability of emergency communications;

7 “(B) in supporting the design and engi-
8 neering of interoperable emergency communica-
9 tions systems;

10 “(C) in supporting the acquisition or de-
11 ployment of interoperable communications
12 equipment or systems that improve or advance
13 the interoperability with public safety commu-
14 nications systems;

15 “(D) in obtaining technical assistance and
16 conducting training exercises related to the use
17 of interoperable emergency communications
18 equipment and systems; and

19 “(E) in establishing and implementing a
20 strategic technology reserve to pre-position or
21 secure interoperable communications in advance
22 for immediate deployment in an emergency or
23 major disaster (as defined in section 102(2) of
24 Public Law 93–288 (42 U.S.C. 5122)); and

1 “(2) shall make payments of not to exceed
 2 \$1,000,000,000, in the aggregate, through fiscal
 3 year 2010 from the Digital Television Transition
 4 and Public Safety Fund established under section
 5 309(j)(8)(E) of the Communications Act of 1934
 6 (47 U.S.C. 309(j)(8)(E)) to carry out the grant pro-
 7 gram established under paragraph (1), of which not
 8 more than \$100,000,000, in the aggregate, may be
 9 allocated for grants under paragraph (1)(E).”;

10 (2) by redesignating subsections (b) and (c) as
 11 subsections (k) and (l), respectively, and inserting
 12 after subsection (a) the following:

13 “(b) EXPEDITED IMPLEMENTATION.—Pursuant to
 14 section 4 of the Call Home Act of 2006, no less than
 15 \$1,000,000,000 shall be awarded for grants under sub-
 16 section (a) no later than September 30, 2007, subject to
 17 the receipt of qualified applications as determined by the
 18 Assistant Secretary.

19 “(c) ALLOCATION OF FUNDS.—In awarding grants
 20 under subparagraphs (A) through (D) of subsection
 21 (a)(1), the Assistant Secretary shall ensure that grant
 22 awards—

23 “(1) result in distributions to public safety enti-
 24 ties among the several States that are consistent

1 with section 1014(c)(3) of the USA PATRIOT ACT
2 (42 U.S.C. 3714(c)(3)); and

3 “(2) are prioritized based upon threat and risk
4 factors that reflect an all-hazards approach to com-
5 munications preparedness.

6 “(d) ELIGIBILITY.—To be eligible for assistance
7 under the grant program established under subsection (a),
8 an applicant shall submit an application, at such time, in
9 such form, and containing such information as the Assist-
10 ant Secretary may require, including—

11 “(1) a detailed explanation of how assistance
12 received under the program would be used to im-
13 prove regional, State, or local communications inter-
14 operability and ensure interoperability with other ap-
15 propriate public safety agencies in an emergency or
16 a major disaster; and

17 “(2) assurance that the equipment and system
18 would—

19 “(A) be compatible with the communica-
20 tions architecture developed under section
21 7303(a)(1)(E) of the Intelligence Reform and
22 Terrorism Prevention Act of 2004 (6 U.S.C.
23 194(a)(1)(E));

1 “(B) meet any voluntary consensus stand-
2 ards developed under section 7303(a)(1)(D) of
3 that Act (6 U.S.C. 194(a)(1)(D)); and

4 “(C) be consistent with the common grant
5 guidance established under section
6 7303(a)(1)(H) of that Act (6 U.S.C.
7 194(a)(1)(H)).

8 “(e) CRITERIA FOR CERTAIN GRANTS.—In awarding
9 grants under subparagraphs (A) through (D) of sub-
10 section (a)(1), the Assistant Secretary shall ensure that
11 all grants funded are consistent with Federal grant guid-
12 ance established by the SAFECOM Program within the
13 Department of Homeland Security.

14 “(f) CRITERIA FOR STRATEGIC TECHNOLOGY RE-
15 SERVE GRANTS.—

16 “(1) IN GENERAL.—In awarding grants under
17 subsection (a)(1)(E), the Assistant Secretary shall
18 consider the continuing technological evolution of
19 communications technologies and devices, with its
20 implicit risk of obsolescence, and shall ensure, to the
21 maximum extent feasible, that a substantial part of
22 the reserve involves prenegotiated contracts and
23 other arrangements for rapid deployment of equip-
24 ment, supplies, and systems rather than the
25 warehousing or storage of equipment and supplies

1 currently available at the time the reserve is estab-
2 lished.

3 “(2) REQUIREMENTS AND CHARACTERISTICS.—

4 A reserve established under paragraph (1) shall—

5 “(A) be capable of re-establishing commu-
6 nications when existing infrastructure is dam-
7 aged or destroyed in an emergency or a major
8 disaster;

9 “(B) include appropriate current, widely-
10 used equipment, such as Land Mobile Radio
11 Systems, cellular telephones and satellite equip-
12 ment, Cells-On-Wheels, Cells-On-Light-Trucks,
13 or other self-contained mobile cell sites that can
14 be towed, backup batteries, generators, fuel,
15 and computers;

16 “(C) include equipment on hand for the
17 Governor of each State, key emergency response
18 officials, and appropriate State or local per-
19 sonnel;

20 “(D) include contracts (including
21 prenegotiated contracts) for rapid delivery of
22 the most current technology available from
23 commercial sources; and

24 “(E) include arrangements for training to
25 ensure that personnel are familiar with the op-

1 eration of the equipment and devices to be de-
2 livered pursuant to such contracts.

3 “(3) ADDITIONAL CHARACTERISTICS.—Portions
4 of the reserve may be virtual and may include items
5 donated on an in-kind contribution basis.

6 “(4) CONSULTATION.—In developing the re-
7 serve, the Assistant Secretary shall seek advice from
8 the Secretary of Defense and the Secretary of
9 Homeland Security, as well as national public safety
10 organizations, emergency managers, State, local, and
11 tribal governments, and commercial providers of
12 such systems and equipment.

13 “(5) ALLOCATION AND USE OF FUNDS.—The
14 Assistant Secretary shall allocate—

15 “(A) a portion of the reserve’s funds for
16 block grants to States to enable each State to
17 establish a strategic technology reserve within
18 its borders in a secure location to allow imme-
19 diate deployment; and

20 “(B) a portion of the reserve’s funds for
21 regional Federal strategic technology reserves
22 to facilitate any Federal response when nec-
23 essary, to be held in each of the Federal Emer-
24 gency Management Agency’s regional offices,
25 including Boston, Massachusetts (Region 1),

1 New York, New York (Region 2), Philadelphia,
2 Pennsylvania (Region 3), Atlanta, Georgia (Re-
3 gion 4), Chicago, Illinois (Region 5), Denton,
4 Texas (Region 6), Kansas City, Missouri (Re-
5 gion 7), Denver, Colorado (Region 8), Oakland,
6 California (Region 9), Bothell, Washington (Re-
7 gion 10), and each of the noncontiguous States
8 for immediate deployment.

9 “(g) CONSENSUS STANDARDS.—In carrying out this
10 section, the Assistant Secretary, in cooperation with the
11 Secretary of Homeland Security shall identify and, if nec-
12 essary, encourage the development and implementation of,
13 consensus standards for interoperable communications
14 systems to the greatest extent practicable.

15 “(h) USE OF ECONOMY ACT.—In implementing the
16 grant program established under subsection (a)(1), the
17 Assistant Secretary may seek assistance from other Fed-
18 eral agencies in accordance with section 1535 of title 31,
19 United States Code.

20 “(i) INSPECTOR GENERAL REPORT.—Beginning with
21 the first fiscal year beginning after the date of enactment
22 of the Interoperable Emergency Communications Act, the
23 Inspector General of the Department of Commerce shall
24 conduct an annual assessment of the management of the
25 grant program implemented under subsection (a)(1) and

1 transmit a report containing the findings of that assess-
2 ment and any recommendations related thereto to the Sen-
3 ate Committee on Commerce, Science, and Transportation
4 and the House of Representatives Committee on Energy
5 and Commerce.

6 “(j) DEADLINE FOR IMPLEMENTATION PROGRAM
7 RULES.—Within 90 days after the date of enactment of
8 the Interoperable Emergency Communications Act, the
9 Assistant Secretary, in consultation with the Secretary of
10 Homeland Security and the Federal Communications
11 Commission, shall promulgate program rules for the im-
12 plementation of this section.”; and

13 (3) by striking paragraph (3) of subsection (1),
14 as redesignated.

15 (b) FCC REPORT ON EMERGENCY COMMUNICATIONS
16 BACK-UP SYSTEM.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Federal Com-
19 munications Commission, in coordination with the
20 Secretary of Homeland Security, shall evaluate the
21 technical feasibility of creating a back-up emergency
22 communications system that complements existing
23 communications resources and takes into account
24 next generation and advanced telecommunications
25 technologies. The overriding objective for the evalua-

1 tion shall be providing a framework for the develop-
2 ment of a resilient interoperable communications
3 system for emergency responders in an emergency.
4 The Commission shall evaluate all reasonable op-
5 tions, including satellites, wireless, and terrestrial-
6 based communications systems and other alternative
7 transport mechanisms that can be used in tandem
8 with existing technologies.

9 (2) FACTORS TO BE EVALUATED.—The evalua-
10 tion under paragraph (1) shall include—

11 (A) a survey of all Federal agencies that
12 use terrestrial or satellite technology for com-
13 munications security and an evaluation of the
14 feasibility of using existing systems for the pur-
15 pose of creating such an emergency back-up
16 public safety communications system;

17 (B) the feasibility of using private satellite,
18 wireless, or terrestrial networks for emergency
19 communications;

20 (C) the technical options, cost, and deploy-
21 ment methods of software, equipment, handsets
22 or desktop communications devices for public
23 safety entities in major urban areas, and na-
24 tionwide; and

1 (D) the feasibility and cost of necessary
2 changes to the network operations center of ter-
3 restrial-based or satellite systems to enable the
4 centers to serve as emergency back-up commu-
5 nications systems.

6 (3) REPORT.—Upon the completion of the eval-
7 uation under subsection (a), the Commission shall
8 submit a report to Congress that details the findings
9 of the evaluation, including a full inventory of exist-
10 ing public and private resources most efficiently ca-
11 pable of providing emergency communications.

12 **SEC. 3. RULE OF CONSTRUCTION.**

13 (a) IN GENERAL.—Title VI of the Post-Katrina
14 emergency Management Reform Act of 2006 (Public Law
15 109–295) is amended by adding at the end thereof the
16 following:

17 **“SEC. 699A. RULE OF CONSTRUCTION.**

18 “Nothing in this title, including the amendments
19 made by this title, may be construed to reduce or other-
20 wise limit the authority of the Department of Commerce
21 or the Federal Communications Commission.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall take effect as though enacted as part

1 of the Department of Homeland Security Appropriations
2 Act, 2007.

